

SPECIAL CITY COUNCIL MEETING
MARCH 29, 1994

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member

ABSENT

Robert Droubay	Council Member
Rex Harris	Council Member

OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Cherie Morris	Delta City Business Woman
Gary Judkins	Birch Drive Subdivision
Brett Nielson	City Resident
Marvin Yates	Yates Construction Co.
James Young	City Resident
James Nelson	Board of Adjustment Chairman
Margaret Dutson	City Resident

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, KNAK Radio Station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held February 28, 1994, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections, after which Council Member Gayle Bunker MOVED that the minutes be tabled for further correction. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Alan Burraston MOVED that the accounts payable dated January 27, 1994, through February 28, 1994, be approved for payment as listed in the amount of \$100,114.88. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Dekker MOVED that the accounts payable dated February 22, 1994, to March 10, 1994, be approved for payment as listed in the amount of \$88,585.86. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable dated March 16, 1994, to March 23, 1994, be approved for payment as listed in the amount of \$47,980.93. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

MAYOR DON DAFOE: APPOINTMENT OF BOARD OF ADJUSTMENT MEMBERS

This item was not discussed at this meeting.

NEW BUSINESS

CHERIE MORRIS: DISCUSSION OF LIGHTED PARADE FOR CHRISTMAS CELEBRATION

Mayor Dafoe asked Cherie Morris to discuss a proposed lighted parade for Delta City's Christmas celebration.

Cherie Morris said that she attended a lighted Christmas parade in Richfield last year. She said it was a spectacular sight with approximately 85 entries.

Mrs. Morris recommended that Delta City hold a lighted Christmas parade in conjunction with their Christmas celebration this year.

She indicated that the cost for an entry is quite minimal and that lights could be strung on most anything and made to look real nice. Also, prizes are not awarded, and candy is not allowed to be thrown from any of the floats.

Mrs. Morris recommended that the parade be scheduled for December 17, 1994, at 6 p.m. She also recommended that a committee with a representative from each surrounding community be formed to coordinate this event.

Following further discussion, Council Member Gayle Bunker MOVED to appoint Cherie Morris as Chairperson of a lighted Christmas parade committee with representatives appointed from surrounding communities to coordinate a lighted parade in December. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

GARY JUDKINS: FINAL PLAT - BIRCH DRIVE SUBDIVISION

Mayor Dafoe asked Gary Judkins, Birch Drive Subdivision, to present the Final Plat for Birch Drive Subdivision to the City Council.

Gary Judkins presented and reviewed the Final Plat for Birch Drive Subdivision. Attorney Waddingham then stated that the Final Plat meets all the requirements of Delta City's Subdivision Ordinance except that the wording in the Owner's Dedication needs to be changed to state that which is in the Subdivision Ordinance.

Following brief discussion, Council Member Gayle Bunker MOVED to accept the Final Plat for Birch Drive Subdivision subject to City Attorney's rewording of the Owner's Dedication. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

BRETT NIELSON, CITY RESIDENT: PROPERTY RIGHTS

Mayor Dafoe asked Brett Nielson, City Resident, to discuss a property rights issue.

The following letter was presented to and discussed with the Council regarding a Variance for James L. Young:

"The Delta City Board of Adjustment has decided to grant your request for the issuance of a variance to complete a garage on the existing foundation constructed on your property by the previous owner. In accordance with Delta City Ordinances, we grant this variance with the following condition:

You and your neighbor directly to the west shall see that an easement is prepared for maintenance and fire protection purposes. This easement shall be prepared for the strip of land beginning at the west side of your existing garage foundation and shall extend to the west for a total distance of 10 feet. No construction shall be allowed on this strip of land.

The Board also wants to point out possible fire protection concerns that exist where a distance of just over five feet separates your house and garage foundation. The Board leaves this decision and any resulting liability in your hands.

Upon completion of the above specified easement a building permit will be available to you by contacting the Delta City Zoning Officer."

Brett Nielson said that he is Mr. Young's neighbor that is being asked to grant an easement. He said that it is not clear to him what he is required to do.

James Nelson, Board of Adjustments Chairman, addressed the City Council and explained that the Board of Adjustments is trying to find ways to help the citizens do the things that they would like to do within the guidelines set forth in Title 12 of the Zoning Ordinance.

Mr. Nelson then reviewed with the City Council the following proposed amendment to Title 12, Article 335, which states the Board of Adjustment's intent regarding variances:

"Where a variance is requested, the Board shall use due caution to maintain adequate spacing between buildings for fire isolation, utility right-of-way, demolition access and other existing or potential conditions as determined by the Board. A minimum distance of 10 feet is recommended except where City ordinance specifically allows otherwise. Where adequate distance is not available within the property boundaries of the variance applicant, the applicant may be required to obtain an easement from the adjacent property owner(s) as a condition of the variance, in order to maintain minimum spacing."

Attorney Waddingham expressed his concern with the Board of Adjustments acting beyond their scope of authority by requiring that property owners give up the use of their property in order for a variance to be issued to a neighbor to do what they want on their property.

James Nelson said that it is the intent of the Board of Adjustments that in requiring an easement the property owner granting the

easement does not give up his property but gives up the right to build a building on the strip of land involved in the easement.

The City Council favored an easement requirement to maintain a minimum ten foot distance between buildings.

KIRTT MYERS, LIBRARY BOARD: ADA LEGISLATION, WATER LEAKAGE IN LIBRARY, ADDITIONAL LIBRARY SPACE

This item was tabled until the next Regular City Council Meeting.

JEFF YATES, YATES CONSTRUCTION CO.: GROUND LEASE FOR HANGAR SPACE AT DELTA MUNICIPAL AIRPORT

Mayor Dafoe asked Jeff Yates, Yates Construction Co., to address the City Council regarding a proposed Ground Lease for Hangar Space at the Delta Municipal Airport.

Marvin Yates, Yates Construction Co., was in attendance and explained that he would like to lease ground at the Delta Municipal Airport. Once the hangar is completed, Mr. Yates would then lease the hangar to Animal Damage Control.

Mr. Yates presented and reviewed a plot plan and a picture of the proposed aircraft hangar.

Discussion was held regarding a proposed Ground Lease Agreement between Delta City and Yates Construction Co. He said that he would like to make yearly payments, and he requested that the length of the lease be ten years with two five-year options. At the end of the twenty-year period Delta City could take ownership of the building or a renegotiate a new lease.

Mayor Dafoe said that the City Council is in the process of amending their ground lease agreement and once that is completed a Ground Lease Agreement For Hangar Space will be prepared between Delta City and Yates Construction Company.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: 1994 IRRIGATION DITCH TAX AND WATER RENTAL RATES

Mayor Dafoe asked Public Works Director Neil Forster to discuss the Ditch Tax and Irrigation Water Rental Fees for 1994.

Public Works Director Neil Forster reviewed the Ditch Tax and Water Rental Fees for 1993 and asked the City Council if they wanted to change them for 1994.

Following brief discussion, Council Member Gayle Bunker MOVED to instruct Attorney Richard Waddingham to prepare a resolution establishing the following fees for 1994: Ditch Tax - \$30 and

Irrigation Water Rental Fees - \$30 per acre foot. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

A resolution will be presented at the next Regular City Council Meeting.

PUBLIC WORKS DIRECTOR NEIL FORSTER: PARTIAL PAY REQUEST FOR K & P PLUMBING AND SUNRISE ENGINEERING FOR WORK COMPLETED ON LIFT STATION "B" REHAB PROJECT

Mayor Dafoe asked Public Works Director Neil Forster to present a partial pay request for work completed on Lift Station "B" Rehab Project.

Public Works Director Neil Forster said that a Pay Request for K & P Plumbing and Heating, Inc. was submitted in the amount of \$31,475.72 and for Sunrise Engineering Inc. in the amount of \$84.00 for work completed on the Delta City Sewer Pump Station from 1-1-94 to 1-31-94.

Mr. Forster explained that due to the cancellation of the last Regular City Council Meeting the Pay Requests were paid, and he requested ratification of that payment in the amount of \$31,559.72.

Public Works Director Neil Forster then presented a Pay Request for Sunrise Engineering Inc. in the amount of \$734.50 for work completed on the Delta City Sewer Pump Station from 02-01-94 to 02-28-94.

Following discussion, Council Member Robert Dekker MOVED to ratify payment to K & P Plumbing & Heating Inc. and Sunrise Engineering in the amount of \$31,559.72 and to Sunrise Engineering in the amount of \$734.50 for work completed on Delta City Sewer Pump Station. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: VACATION OF A PUBLIC STREET LOCATED BETWEEN LOTS 1 AND 2, BLOCK 100, DELTA TOWNSITE, PLAT A, AS AMENDED

Mayor Dafoe asked Attorney Richard Waddingham to discuss the vacation of a public street located between Lots 1 and 2, Block 100, Delta Townsite, Plat A, as amended.

Attorney Richard Waddingham said that he received a Petition To Vacate Street from Cecil Losee, Losee Brothers. The petition reads as follows:

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF DELTA, UTAH:

The undersigned, Cecil D. Losee, acting for and on behalf of Losee Brothers, a Utah partnership, by authority of the General Partners, as the sole owner of property adjacent to a public street located between Lots 1 and 2, Block 100, Plat "A", Delta Townsite, hereby respectfully petitions the Delta City Council for vacation of said street, which street is more particularly described as follows:

Beginning at the Southwest corner of Lot 1, Block 100, Plat A, Delta Townsite, thence West 33 feet; thence North 148.21 feet more or less to the Northeast corner of Lot 2, Block 100, Plat A, Delta Townsite, thence Easterly 33 feet more or less to the Northwest corner of Lot 1; thence South 148.63 feet to the point of beginning.

Petitioner hereby consents to vacation of said street and the subsequent conveyance of the entire described property by Delta City to Losee Brothers.

Attorney Waddingham said that a Public Hearing was held Monday, March 28, 1994, for the purpose of receiving public comment regarding the proposed street vacation and there was no public in attendance. He then presented a proposed ordinance entitled:

ORDINANCE NO. 94-159

AN ORDINANCE PROVIDING FOR VACATION OF A PUBLIC STREET LYING BETWEEN LOTS 1 AND 2 OF BLOCK 100, DELTA CITY TOWNSITE, PLAT "A", AS AMENDED, AND AUTHORIZING EXECUTION OF A QUIT-CLAIM DEED CONVEYING SAID PROPERTY.

Following brief discussion, Council Member Gayle Bunker MOVED to adopt Ordinance No. 94-159 as presented. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Absent

Mayor Dafoe then signed the ordinance. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

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COUNCIL MEMBER ROB DROUBAY: REQUEST FOR POWER OUTLETS AT
NEIGHBORHOOD PARK BALL PARK

In view of Councilman Droubay's absence, Mayor Dafoe said that a power outlet and an extended water line is needed for the baseball fields at the Neighborhood Park.

Following discussion, Council Member Alan Burraston MOVED that a power outlet and a tie-in water line be installed at the Neighborhood Park. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER ROB DROUBAY: REQUEST FOR "WELCOME TO DELTA" MARQUEE

In view of Councilman Droubay's absence, this item was tabled until the next Regular City Council Meeting.

COUNCIL MEMBER ROB DROUBAY: DISCUSSION OF DELTA CITY SPRING
CLEANUP

Brief discussion was held regarding the dates for Delta City's Spring Clean-Up week. Saturdays April 30 and May 7 were tentatively scheduled. This item will be discussed further at the next Regular City Council Meeting.

COUNCIL MEMBER ROB DROUBAY: DISCUSSION OF DONATION OFFERED BY
HINCKLEY LIONS FOR JULY 4TH FIREWORKS

Mayor Dafoe reported that the Hinckley Lions Club is willing to contribute \$750 toward the purchase of additional fireworks for Delta City's Fourth of July Celebration.

Council Member Gayle Bunker MOVED to accept the Hinckley Lions Club donation of \$750 and instruct Fire Chief Bryce Ashby to order \$750 worth of additional fireworks. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Mayor Dafoe mentioned a Statewide Centennial Committee Meeting promoting a Statewide clean-up campaign.

Mayor Dafoe commended the Public Works Department for the good work done on the extended Cemetery Water Line.

Margaret Dutson was in attendance and reminded the City Council of their committment to improve the drainage on 250 East Street. Mrs. Dutson was informed that if the problem is determined to be on private property then the expense becomes that of the property owners rather than the City's.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 8:40 p.m.



DON DAFOE, Mayor

DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 6-13-94